IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Writ Petition No.1602/2007
Bhaurao Paikaji Pole

Vs.
State of Maharashtra

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : **A.P. LAVANDE AND R. V. MORE, JJ.**
DATED : 22nd October**, 2007**

By this petition, the petitioner is challenging the communication dated 18.5.2006 addressed by Special Land Acquisition Officer-cum-Collector, Chandrapur by which the application for condonation of delay in seeking reference under Section 18 of the Land Acquisition Officer (hereinafter referred to as "the Act") filed by the petitioner has been rejected. The Special Land Acquisition Officer rejected the application on the ground that it has been filed after the period prescribed under Section 18(2) of the Act. There is no dispute that the application has been filed beyond the period prescribed under Section 18(2) of the Act.

The issue raised in the present writ petition is

squarely covered by the judgment of the Apex Court reported in 1996 (1) Mh.L.J. 609 (Officer of Special Duty (Land Acquisition) and another Vs. Shah Mahilal Chandulal etc against the petitioner. The Apex Court in the said judgment has held that the Land Acquisition Officer is not a Court and as such Section 5 of the Limitation Act is not attracted.

In view of the above, we see no ground to interfere in the writ petition in exercise of writ jurisdiction. Hence, the writ petition is rejected.

JUDGE **JUDGE**

MLA